

JS 44C/SDNY
REV. 12/2005

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS

Wilmington Trust Company, in its capacity as indenture trustee with respect to senior notes and debentures issued by Delphi Corporation

DEFENDANTS

Delphi Corporation and its debtor affiliates and subsidiaries

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Kirkpatrick & Lockhart Nicholson Graham, LLP, 599
Lexington Avenue, New York, NY 10022, (212) 536-3900

ATTORNEYS (IF KNOWN)

Skadden, Arps, Slate Meagher & Flom LLP, 4 Times Square,
New York, NY (212) 735-3000

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)

Appeal of a final order entered by the Bankruptcy Court pursuant to 28 U.S.C. 158(a)(1)

Has this or a similar case been previously filed in SDNY at any time? No ☒ Yes? ☐ Judge Previously Assigned

If yes, was this case Vol ☐ Invol. ☐ Dismissed. No ☐ Yes ☐ If yes, give date _____ & Case No. _____

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

ACTIONS UNDER STATUTES

		TORTS		FORFEITURE/PENALTY		BANKRUPTCY		OTHER STATUTES	
CONTRACT	PERSONAL INJURY	PERSONAL INJURY	[] 610 AGRICULTURE	[X] 422 APPEAL	[] 400 STATE				
[] 110 INSURANCE	[] 310 AIRPLANE	[] 362 PERSONAL INJURY -	[] 620 FOOD & DRUG	28 USC 158	REAPPORTIONMENT				
[] 120 MARINE	[] 315 AIRPLANE PRODUCT	MED MALPRACTICE	[] 625 DRUG RELATED	[] 423 WITHDRAWAL	[] 410 ANITRUST				
[] 130 MILLER ACT	LIABILITY	[] 365 PERSONAL INJURY	SEIZURE OF	28 USC 157	[] 430 BANKS & BANKING				
[] 140 NEGOTIABLE	[] 320 ASSAULT, LIBEL &	PRODUCT LIABILITY	PROPERTY		[] 450 COMMERCE/ICC				
INSTRUMENT	SLANDER	[] 368 ASBESTOS PERSONAL	21 USC 881		RATES/ETC				
[] 150 RECOVERY OF	[] 330 FEDERAL	INJURY PRODUCT	[] 630 LIQUOR LAWS	PROPERTY RIGHTS	[] 460 DEPORTATION				
OVERPAYMENT &	EMPLOYERS'	LIABILITY	[] 640 RR & TRUCK	[] 820 COPYRIGHTS	[] 470 RACKETEER INFLU-				
ENFORCEMENT OF	LIABILITY		[] 650 AIRLINE REGS	[] 830 PATENT	ENCED & CORRUPT				
JUDGMENT	[] 340 MARINE	PERSONAL PROPERTY	[] 660 OCCUPATIONAL	[] 840 TRADEMARK	ORGANIZATION ACT				
[] 151 MEDICARE ACT	[] 345 MARINE PRODUCT		[] 690 OTHER		(RICO)				
[] 152 RECOVERY OF	LIABILITY	[] 370 OTHER FRAUD			[] 480 CONSUMER CREDIT				
DEFAULTED	[] 350 MOTOR VEHICLE	[] 371 TRUTH IN LENDING	LABOR	SOCIAL SECURITY	[] 490 CABLE/SATELLITE TV				
STUDENT LOANS	[] 355 MOTOR VEHICLE	[] 380 OTHER PERSONAL			[] 810 SELECTIVE SERVICE				
(EXCL VETERANS)	PRODUCT LIABILITY	PROPERTY DAMAGE	[] 710 FAIR LABOR	[] 861 MIA (1395FF)	[] 850 SECURITIES/				
[] 153 RECOVERY OF	[] 360 OTHER PERSONAL	PRODUCT LIABILITY	STANDARDS ACT	[] 862 BLACK LUNG (923)	COMMODITIES/				
OVERPAYMENT OF	INJURY		[] 720 LABOR/MGMT	[] 863 DIWC (405(g))	EXCHANGE				
VETERANS BENEFITS			RELATIONS	[] 863 DIWW (405(g))	[] 875 CUSTOMER				
[] 160 STOCKHOLDERS SUITS			[] 730 LABOR/MGMT	[] 864 SSID TITLE XVI	CHALLENGE				
[] 190 OTHER CONTRACT			REPORTING &	[] 865 RSI (405(g))	12 USC 3410				
[] 195 CONTRACT PRODUCT			DISCLOSURE ACT		[] 891 AGRICULTURE ACTS				
LIABILITY			[] 740 RAILWAY LABOR ACT	FEDERAL TAX SUITS	[] 892 ECONOMIC				
[] 196 FRANCHISE			[] 790 OTHER LABOR		STABILIZATION ACT				
	ACTIONS UNDER STATUTES		LITIGATION	[] 870 TAXES	[] 893 ENVIRONMENTAL				
			[] 791 EMPL RET INC	[] 871 IRS-THIRD PARTY	MATTERS				
			SECURITY ACT	20 USC 7609	[] 894 ENERGY				
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS			ALLOCATION ACT				
[] 210 LAND CONDEMNATION	[] 441 VOTING	[] 510 MOTIONS TO			[] 895 FREEDOM OF				
[] 220 FORECLOSURE	[] 442 EMPLOYMENT	VACATE SENTENCE			INFORMATION ACT				
[] 230 RENT LEASE &	[] 443 HOUSING	28 USC 2255			[] 900 APPEAL OF FEE				
EJECTMENT	ACCOMMODATIONS	[] 530 HABEAS CORPUS			DETERMINATION				
[] 240 TORTS TO LAND	[] 444 WELFARE	[] 535 DEATH PENALTY			UNDER EQUAL ACCESS				
[] 246 TORT PRODUCT	[] 445 AMERICANS WITH	[] 540 MANDAMUS & OTHER			TO JUSTICE				
LIABILITY	DISABILITIES -	[] 550 CIVIL RIGHTS			[] 950 CONSTITUTIONALITY				
[] 290 ALL OTHER	EMPLOYMENT	[] 555 PRISON CONDITION			OF STATE STATUTES				
REAL PROPERTY	[] 446 AMERICANS WITH				[] 890 OTHER STATUTORY				
	DISABILITIES -OTHER				ACTIONS				
	[] 440 OTHER CIVIL RIGHTS								

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.?
IF SO, STATE:

DEMAND \$ _____ OTHER _____ JUDGE _____ DOCKET NUMBER _____

Check YES only if demanded in complaint

JURY DEMAND: ☐ YES ☐ NO

NOTE: Please submit at the time of filing an explanation of why cases are deemed related.

(SEE REVERSE)

(PLACE AN x IN ONE BOX ONLY)

ORIGIN

- ☐ 1 Original Proceeding ☐ 2a. Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from (Specify District) ☐ 6 Multidistrict Litigation ☒ 7 Appeal to District Judge from Magistrate Judge Judgment
- ☐ 2b. Removed from State Court
AND at least one party is a pro se litigant

(PLACE AN x IN ONE BOX ONLY)

BASIS OF JURISDICTION

- ☐ 1 U.S. PLAINTIFF ☐ 2 U.S. DEFENDANT ☒ 3 FEDERAL QUESTION (U.S. NOT A PARTY) ☐ 4 DIVERSITY

IF DIVERSITY, INDICATE
CITIZENSHIP BELOW.
(28 USC 1332, 1441)

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

	PTF	DEF		PTF	DEF		PTF	DEF
CITIZEN OF THIS STATE	[]	[]	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	[]	[]	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	[]	[]
CITIZEN OF ANOTHER STATE	[]	[]	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[]	[]	FOREIGN NATION	[]	[]

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

Wilmington Trust Company
1100 North Market Street
Wilmington, DE 19890-1615
New Castle County

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

Delphi Corporation
World and North American Headquarters
5725 Delphi Drive
Troy, Michigan 48098-2815
Oakland County

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO: ☐ WHITE PLAINS ☒ FOLEY SQUARE
(DO NOT check either box if this a PRISONER PETITION.)

DATE 8/9/06 SIGNATURE OF ATTORNEY OF RECORD

ADMITTED TO PRACTICE IN THIS DISTRICT

[] NO
[x] YES (DATE ADMITTED Mo. June Yr. 1986)
Attorney Bar Code # EF1619

RECEIPT #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

J Michael McMahon, Clerk of Court by _____ Deputy Clerk, DATED _____

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)